

# **Zoning Administrator Hearing**

## *Minutes*



### **John S. Gendron Hearing Officer**

**December 15, 2009 – 1:30 p.m.**

View Conference Room, 2<sup>nd</sup> Floor  
55 North Center Street  
Mesa, Arizona, 85201

#### **Staff Present**

Angelica Guevara  
Mia Lozano-Helland  
Wahid Alam  
Tom Ellsworth

#### **Others Present**

Dick Morris  
Gregory Warrington  
TC Blatter  
Taylor Candland  
Dan Freese  
Steve Lohide  
Alan Tanner  
Shahir Safi

#### **CASES:**

Case No.: ZA09-059

Location: 3055 North Power Road

Subject: Requesting a Special Use Permit to allow a Comprehensive Sign Plan in conjunction with the development of a Park and Ride facility in the R1-90 DMP zoning district. (PLN2009-00370)

Decision: Approved with the following conditions:

1. *Compliance with site plan submitted as modified by the conditions below.*
2. *Compliance with justification and compatibility statement submitted with this application.*
3. *Compliance with Design Review Board caseDR09-020.*
4. *Compliance with all requirements of the Development services, Engineering, Transportation, and Solid Waste Departments.*
5. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Summary: Shahir Safi represented the case and stated that there were no further items to add to this case. Mr. Gendron asked if the signs would be illuminated and if the lighting

**City of Mesa**  
**Zoning Administrator Minutes**  
**December 15, 2009**

would be turned off during the time that the parking facility is closed at night. Mr. Gendron also asked who would be responsible for maintenance of the signs. Mr. Safi responded that the sign lights would be turned off when the lot is closed and that the City of Mesa Streets Division will be responsible for the sign maintenance. Wahid Alam provided the staff report and recommendation. After discussion Mr. Gendron approved the request based on the staff report and recommendation.

Finding of Fact:

- 1.1** The City of Mesa will build the Red Mountain Freeway Park & Ride facility at Power Road, located on the eastside of Power Road just south of the Loop 202 overpass bridge in Mesa.
- 1.2** The site is an Arizona Department of Transportation (ADOT) "remnant" parcel from the construction of the 202 freeway and will be granted to the city as a permanent easement. The facility will occupy only 4.9 acres, located at 3055 North Power Road in a R1-90 zoning district.
- 1.3** The undeveloped site is surrounded by the C.A.P canal to the east, a business park to the south and undeveloped vacant land to the north. The Red Mountain Freeway passes over the northern portion of the site and Power Road at this location.
- 1.4** The park and ride facility includes a single story convenience building of approximately 396 square feet, consisting of one toilet for bus drivers, one janitorial room, one electrical/communication room. The convenience building also includes convenience areas such as secured vending machines, seating area and display areas for the use of the bus passengers.
- 1.5** The Special Use Permit allows the project to exceed the maximum allowable signage in the R1-90 zoning district which is one (1) sign no larger than 6 square feet.
- 1.6** The Zoning Code Section 11-19-8 (D) 13 will allow a Comprehensive Sign Plan in the R1-90 zoning district, which allows one non-illuminated sign per parcel not to exceed six square feet.
- 1.7** The Park and Ride Facility will be constructed in one phase. The signage for the facility will consist of three monument signs, two at the intersection of Power Road and Preston Street and one at the driveway access on Power Road north of Preston Street. Signs will also be installed to direct and separate bus and vehicular traffic at the appropriate entrances.
- 1.8** The monument sign is designed as three separate walls of various heights and shape. The monument sign structure will be constructed with 8" x16" x 8" Trenwyth Mesastone Masonry unit CMU with "Red Rock" and "Buff" color. The total sign area is 21.45 sq. ft. for three monument signs each 7.15 sq. ft.
- 1.9** The Design Review Board approved the design of the signs through case DR09-20.

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Case No.:                      ZA09-060

**City of Mesa**  
**Zoning Administrator Minutes**  
**December 15, 2009**

Location: 2260 West Isabella Avenue

Subject: Requesting a Special Use Permit to allow a commercial communication tower to be placed in the R1-6 zoning district. (PLN2009-00361)

Decision: Approved with the following conditions:

1. *Compliance with the site plan submitted, except as modified by the conditions below.*
2. *The monopalm shall have a maximum height of sixty-five feet (65') at the top of the pole and top of the antennas.*
3. *The antennas shall not exceed 4'-4" in length, 1'-2" in width, and 4" in depth.*
4. *The antennas shall be screened with a minimum of 55 palm fronds.*
5. *The antennas shall be painted to match the color of the fronds.*
6. *The antenna standoff assembly shall not extend more than 8" from the pole.*
7. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Summary: Taylor Candland represented the case and was in agreement with the conditions of approval. Mr. Gendron noted that the location of the tower does not comply with the approved guidelines in distance from the adjacent R-2 property; he further asked if the tower could be located to meet the requirement. Mr. Candland replied that the location was requested by the school district due to planned future growth, and pointed out that the closest actual condo unit is 140'. A discussion ensued regarding the distance from the residential property to the tower. Mr. Gendron asked if the surrounding property owners were notified. Mr. Candland stated, yes, and that a neighborhood meeting was held and three residents attended with no concerns. After further discussion, Mr. Gendron approved the case based on the staff report and the conditions of approval.

Finding of Fact:

- 1.1 The Special Use Permit (SUP) allows the placement of a 65-foot high commercial communication tower at Washington Elementary School. The applicant will install a monopalm rather than a typical monopole for less impact on the school and neighborhood.
- 1.2 The applicant notified all property owners within 300-feet of the request and no comments or concerns were received.
- 1.3 The monopalm is 65-feet high. The array of the monopalm consists of three sectors, with three antennas, three daps, and three microwave dishes. The antennas are 4'-2" in length, 1'- 1" in width, and 4" deep. A condition of approval was added requiring the antennas be painted to match the color of the monopole.
- 1.4 An equipment cabinet is screened by an 8' high masonry wall with an 8' tube steel gate with metal backing. The gate will be painted to match the screen wall.

**City of Mesa**  
**Zoning Administrator Minutes**  
**December 15, 2009**

- 1.5** The applicant has stated that the additional height is necessary to clear trees and buildings in the area.
- 1.6** The monopalm is located at the east and north sides of two existing buildings at the northeast corner of the site. The monopalm complies with the locational requirements of the Commercial Communications Towers Guidelines in that it exceeds the required distance from both the freeway and Isabella Avenue. It does not meet the guidelines in its proximity to the nearest residentially zoned property. The requirement is 2-feet for each 1-foot of tower height, which would be 130-feet. The R-2 property to the east is approximately 25-feet from the new communication tower. The property to the east is a multi-residential condominium project. The tower is located approximately 140' from the nearest condominium unit. The applicant prefers to install a Monopalm rather than a standard pole, which will have less impact on the neighborhood. As a result, the Monopalm would be compatible with, and not detrimental to, adjacent properties or the neighborhood in general.

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**City of Mesa**  
**Zoning Administrator Minutes**  
**December 15, 2009**

Case No.: ZA09-061

Location: 922 South Country Club Drive

Subject: Requesting a Special Use Permit to exceed the allowed number of special events per year in the C-2 PAD zoning district. (PLN2009-00333)

Decision: Approved with the following conditions:

1. *Compliance with the site plan submitted except as modified by the conditions below.*
2. *The number of special events may not exceed twenty (25) per calendar year, and the aggregate number of special event days may not exceed a total of forty (40) per calendar year.*
3. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Summary: Greg Warrington represented the case for Chester's Harley Davidson. Mr. Gendron discussed the request and clarified the number of aggregate special event days to read, a total of forty (40) per calendar year. Mr. Gendron asked Mr. Warrington to explain the nature of the events. Mr. Warrington gave a summary of the charitable organizations that have held events on the property. Mr. Gendron asked about possible issues and signs related to these events. A discussion ensued regarding signs and how complaints from neighbors would be handled. After further discussion and comments from staff planner Tom Ellsworth, Mr. Gendron approved the request based on the staff report and conditions of approval.

Finding of Fact:

- 1.1 The Special Use Permit (SUP) will allow up to 25 special event licenses per year for Chester's Harley Davidson. The applicant seeks 12 permits for the monthly occurrence of Chester's Harley Davidson Bike night, 12 permits for charity events that are hosted by Chester's Harley Davidson throughout the year, and one permit for the annual Backstage Biker Bash below.
- 1.2 The applicant submitted a Plan of Operation that indicates the hours of operation for each event will be limited to the hours of 8:00 am and 10:00 pm. If the event includes the sales of liquor, the applicant will secure the appropriate licenses and security will be in place to insure the proper ID for sales and to insure that liquor does not leave the premises.
- 1.3 The applicant provided a Good Neighbor Policy that indicates written notification to neighbors of each event. Neighborhood complaints will be directed to the General Manager to resolve any issues with the neighbors
- 1.4 The applicant indicated that there is sufficient area on site to accommodate parking for most of the events. If additional parking is required the applicant has two methods for providing additional parking. The first is to request a permit for the closure of Emerald Avenue in conjunction with the application for the license for the specific event. The other method is to

**City of Mesa**  
**Zoning Administrator Minutes**  
**December 15, 2009**

negotiate additional parking needs with surrounding businesses.

- 1.5** The applicant completed the required amount of Citizen Participation by mailing letters of notification to neighboring property owners within 300' of the site. To date staff is not aware of any comments or concerns from the neighbors.
- 1.6** Chester's Harley Davison has operated several special events at the location over the past few years. Staff is unaware of any significant complaints in association with any of these events. Staff submitted a request to the Police Department to provide the number of calls for service generated from this address to determine if there has been significant, or more than usual, amount of activity at the location. Staff is awaiting this report and hopes to have it at the time of the hearing.

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**City of Mesa**  
**Zoning Administrator Minutes**  
**December 15, 2009**

Case No.: ZA09-062

Location: 1545 South Crismon Road

Subject: Requesting: 1) Modification of a Special Use Permit for an existing Comprehensive Sign Plan; and 2) a Substantial Conformance Improvement Permit to allow an additional development site in the C-2 zoning district. (PLN2009-00265)

Decision: Approved with the following conditions:

1. *Compliance with the site plan submitted except as modified by the conditions below.*
2. *Compliance with all requirements of the Special Use Permit for a Comprehensive Sign Plan Case No. BA00-028 except as modified by this request.*
3. *Compliance with all requirements of the Design Review Board.*
4. *The specific design of the monument sign shall be reviewed and approved by the Design Review Board.*
5. *Compliance with all requirements of Planning and Zoning Case No. Z09-023.*
6. *Subject to approval of a Land split and compliance with all requirements of the Land Split.*
7. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Summary: Alan Tanner represented the case and explained the request and size of the proposed sign. A discussion followed regarding the Substantial Conformance Improvement Permit. Mr. Gendron asked about the history of the site and levels of conformance for this request. Ms. Guevara recommended approval with the addition of condition of approval no. 8 to read; one (1) additional free standing sign no higher than 6' and no larger than 24 sq. ft. in area. Mr. Gendron approved the case based on the staff report and recommendation.

Finding of Fact:

- 1.1** The creation of the new pad site requires a lot split, site plan modification, a substantial conformance improvement permit, and design review of the building architecture and landscape design. The applicant has obtained approval by the Planning and Zoning Board at the November 18, 2009 Hearing for the site plan modification. The approval of the lot split and the Design Review Board are still required
- 1.2** The Home Depot development was approved and constructed prior to changes to the Zoning Ordinance development standards approved in 2002, the site plan modification represents intensification of an existing non-conforming site. Intensification of a non-conforming site requires the entire site be brought into conformance with current development standards unless otherwise approved through a Substantial Conformance Improvement Permit
- 1.3** The Substantial Conformance Improvement Permit (SCIP) allows a site development within

**City of Mesa**  
**Zoning Administrator Minutes**  
**December 15, 2009**

an existing group commercial center which includes a 7,863 s.f. building within a non-conforming parking lot. The existing development is approximately 13+ acres. The SCIP facilitates the creation of a new pad site designed to meet all development standards with the exception of the frontage building and landscape setbacks. The current setback requirement is 30' adjacent to Crismon Road. A 20' setback will match the setbacks established by the existing buildings fronting along Crismon Road and Hampton Avenue frontage. The 20' setback will allow the pad site to maintain the alignment of the existing drive aisle adjacent to the street in front of the building.

- 1.4** The applicant designed a new pad site that meets the majority of the development standards and the existing improvements to the group commercial center represent a substantial conformance.
- 1.5** The foundation base around the existing buildings does not currently meet code. In order for the foundation base around the existing building to meet code, the applicant would have to remove portions of an existing parking lot and would affect circulation, parking and drainage. The existing improvements will be left as is, with the addition of landscape islands within the area of the new pad site and the addition of landscape material within those islands to meet code. The landscape material within the frontage landscape yard will be in quantities which are proportionate to the width of the existing landscape yard.
- 1.6** The foundation base shown around the building will meet code and the applicant will landscape these areas with required number of trees and shrubs.
- 1.7** The development qualifies for a Substantial Conformance Improvement Permit, as demolition of the existing parking lot and existing landscape improvements would have to occur to bring the site into full compliance with current site development standards. The site improvements will generally meet that of adjacent properties. Further, the existing landscape setback and landscaping enhances the streetscape along Crismon Road and Hampton Avenue around the perimeter of the site. As a result, site plan, including the recommended conditions of approval, achieves substantial compliance.
- 1.8** The development is consistent with the General Plan designation of Community Commercial, and is an allowed use in the C-2 zoning district. The deviations are necessary to accommodate the development of the new pad building and are commensurate with or exceed the conformance of similar uses in the vicinity of the request. The project presents reasonable improvements to a non-conforming site while meeting the intent of the Site Development Standards. Consequently, the site plan, including staff recommended conditions of approval, represents compliance with the intent of the development standards of the Zoning Ordinance.
- 1.9** This application also includes a request to modify an existing Special Use Permit for a Comprehensive Sign Plan to allow an additional freestanding sign on the Crismon Road frontage for the new pad site. The applicant has not requested a specific height or area, but in reviewing the existing Comprehensive Sign Plan staff has determined that allowing an additional 6' high, 24 s.f. freestanding sign on the Crismon Road frontage would be suitable and in accordance with the original intent of the previously approved Comprehensive Sign Plan because the existing pad sites fronting on Crismon Road were each allowed a 6' high freestanding sign 24 s.f. The specific design of the new monument sign shall be reviewed and approved by the Design Review Board

**City of Mesa**  
**Zoning Administrator Minutes**  
**December 15, 2009**

when the applicant files the application for Design Review of the proposed building.

There being no further business to come before the Zoning Administrator, the hearing adjourned at 2:20 p.m.

The cases for this hearing were digitally recorded and are available upon request.

Respectfully submitted,

John S. Gendron  
Hearing Officer

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